

# Order

Michigan Supreme Court  
Lansing, Michigan

May 18, 2007

Clifford W. Taylor,  
Chief Justice

132803

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 132803  
COA: 259713  
St Joseph CC: 04-012272-FH

GARY MATTHEW CARNICOM,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 31, 2006 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

CAVANAGH, J., would grant leave to appeal.

KELLY, J., dissents and states as follows:

I agree with Court of Appeals Judge Cooper that this Court should grant leave to appeal for the purpose of clarifying our opinion in *People v Jacobsen*, 448 Mich 639 (1995). As Judge Cooper pointed out, “[i]f the court provides to indigent defendants the right to a court appointed and funded expert witness, there can be no requirement that the defendant first show the expert will support his claim. Otherwise, the right affords defendants no protection at all.”



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 18, 2007

*Corbin R. Davis*

Clerk